



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Nick Whipple, Development Services Department, City of Bellevue

LOCATION OF PROPOSAL: Citywide

DESCRIPTION OF PROPOSAL: SEPA Threshold Determination for Land Use Code Amendment (LUCA) to revise the frequently flooded areas regulations in the Land Use Code (LUC) Part 20.25H and other related sections to conform to the current federal and state National Flood Insurance Program (NFIP) standards and to adopt the Federal Emergency Management Agency's (FEMA) updated countywide Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS), necessary for continued eligibility in NFIP.

FILE NUMBERS: 20-108386-AD **PLANNER:** Peter Rosen

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- ☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **7/16/2020**
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Elizabeth Stead

Environmental Coordinator

7/2/2020

Date

OTHERS TO RECEIVE THIS DOCUMENT:

- ☒ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- ☒ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- ☒ Attorney General ecyolyef@atg.wa.gov
- ☒ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us

SEPA Environmental Checklist and Supplemental Sheet for Non-Project Actions

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit the Land Use Desk in the Permit Center between 8 a.m. and 4 p.m., Monday through Friday (except Wednesday, 10 to 4) or call or email the Land Use Division at 425-452-4188 or landusereview@bellevuewa.gov. Assistance for the hearing impaired: Dial 711 (Telecommunications Relay Service).

Purpose of checklist:

The City of Bellevue uses this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies and reports. Please make complete and accurate answers to these questions to the best of your ability in order to avoid delays.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the Environmental Checklist plus the supplemental sheet for nonproject actions (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

PLEASE REMEMBER TO SIGN THE CHECKLIST. Electronic signatures are also acceptable.

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)
Adoption of FEMA's Flood Insurance Rate Maps and Flood Insurance Study dated August 19, 2020, and Floodplain Regulations Conformance Land Use Code Amendment (LUCA).
2. Name of applicant: [\[help\]](#)
City of Bellevue
3. Address and phone number of applicant and contact person: [\[help\]](#)
*Nick Whipple, Senior Planner, 425-452-4578
Development Services Department
450 110th Avenue NE
Bellevue, WA 98004*
4. Date checklist prepared: [\[help\]](#)
June 3, 2020
5. Agency requesting checklist: [\[help\]](#)
City of Bellevue
6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)
Adoption of the new FIRMs, FIS, and Floodplain Regulations LUCA is anticipated to be complete before August 19, 2020.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)
The City currently processes and permits floodplain development under Title 20, the Land Use Code. After adoption of the new FIRMs, FIS, and Floodplain Regulations LUCA, the City anticipates continuing to process and permit floodplain development pursuant to the amended LUC provisions and updated FIRMs and FIS.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)
A non-project Environmental Checklist in support of the Floodplain Regulations LUCA is included.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)
FEMA issued a Letter of Final Determination for the FIRMs and FIS. No pending approvals exist.
10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)
City Council and the East Bellevue Community Council approval of the LUCA. Also, the Department of Ecology must approve or deny the City's Floodplain Regulations LUCA within 30 days of adoption.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

[\[help\]](#)

The proposal is to adopt the new countywide FIRMS and a new FIS as required for the City's participation in FEMA's National Flood Insurance Program. In addition, the following conformance amendments to the LUC must be adopted for consistency with certain state and federally-required floodplain management regulations:

- Necessary amendments and additions to the definition section of the LUC to meet minimum standards;*
- Additional performance standards added to the LUC for the construction of buildings within specific flood zones;*
- Necessary clarifications to the review and approval process for floodplain exceptions in the LUC; and*
- New subsections in Chapter 20.25H LUC to include submittal documentation requirements and to clarify enforcement and penalties for violations of floodplain regulations.*

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

Areas of the City located within a Special Flood Hazard Area, as mapped on FEMA's FIRMS.

City of Bellevue, King County, Washington

Community No.: 530074

See Attachment A for final summary of FIRM changes

B. Environmental Elements [\[help\]](#)

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235(3)(b).

C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee: *Nick Whipple*

Position and Agency/Organization: *Senior Planner, Development Services*

Date Submitted: *June 16, 2020*

D. Supplemental Sheet For Nonproject Actions [\[help\]](#) (IT IS NOT NECESSARY TO USE THIS SHEET FOR PROJECT ACTIONS)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

ENVIRONMENTAL SUMMARY PER WAC 197-11-440(4)

The proposal is to amend the Bellevue Land Use Code to conform the frequently flooded areas regulations in the Land Use Code (LUC) Part 20.25H and other related sections to the current federal and state National Flood Insurance Program (NFIP) standards and adopt the Federal Emergency Management Agency's (FEMA) updated countywide Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS), necessary for continued eligibility in the NFIP.

Objectives: *The objective of this proposal is to adopt the updated FIRMs and FIS, and address minor inconsistencies between FEMA's floodplain management regulations and the City's floodplain management regulations. Consistency is necessary for continue eligibility in the NFIP.*

The Purpose and Need to which the proposal is responding to: *The proposed code changes are driven by the Federal Emergency Management Agency (FEMA), which published updated Flood Insurance Rate Maps (FIRMs) and updated Flood Insurance Studies (FISs), and a new model ordinance. The proposal includes:*

- *Necessary amendments and additions to the definition section of the LUC to meet minimum standards;*
- *Additional performance standards added to the Land Use Code for the construction of buildings within specific flood zones;*
- *Necessary clarifications to the review and approval process for floodplain exceptions in the LUC; and*
- *Adoption of FEMA's new Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs).*

State the major conclusions, significant areas of controversy and uncertainty: *Little controversy exists related to this proposal. The proposal will conform the frequently flooded areas regulations in Part 20.25H LUC and other related LUC sections to the current federal and state NFIP standards, and adopt the updated FEMA FIRMs and FIS, necessary for continued eligibility in the NFIP.*

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: No issues to be resolved. The alternative course of action would be to not adopt the FIRMs and FISs, and not amend the LUC for consistency with federal standards. If the City chooses this alternative, residents and businesses in Bellevue would immediately lose their federally-backed flood insurance.

Staff recommends amending the LUC to conform the frequently flooded areas regulations in Part 20.25H and other related sections to the current federal and state National Flood Insurance Program (NFIP) standards and adopt the Federal Emergency Management Agency's (FEMA) updated countywide Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS), necessary for continued eligibility in the NFIP.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action to amend the LUC for consistency with current federal and state National Flood Insurance Program (NFIP) standards and adopt the Federal Emergency Management Agency's (FEMA) updated countywide Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS). There are no significant impacts resulting from that action. Any specific proposal to develop in floodplains would require project level review.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore, no mitigation measures are proposed.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
Adoption of the FIRMs and FIS, and the proposed code amendments will not increase the potential impacts to water, emissions to air, earth resources or noise production.

Proposed measures to avoid or reduce such increases are:
N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
The proposed code amendment will not increase the potential impacts to plants and animals.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
N/A

3. How would the proposal be likely to deplete energy or natural resources?
No adverse impacts to energy or natural resources are anticipated.

Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed code amendments indirectly affect development or redevelopment within floodplains through regulations of these activities. The intent of these regulations is to minimize environmental and property damage, and reduce expenditures for disaster assistance and flood control.

The proposal would not change or affect critical area code provisions protecting wetlands, streams, or endangered species habitat.

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The same land use districts and shoreline overlay regulations will continue to apply to development and redevelopment. No changes to land uses or the City's Shoreline Master Program and Shoreline Management Regulations are proposed.

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed amendments to the Land Use Code will not change the demands on the transportation system.

Proposed measures to reduce or respond to such demand(s) are:

N/A

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed code amendments are necessary to achieve consistency with federal and state regulations. No conflicts are anticipated.

The proposed code amendments are a non-project action. Development proposals will require project-specific review, including SEPA review where applicable, to verify consistency with City codes and standards which are intended to protect the environment.